

REMARKS

Applicants respectfully request reconsideration of the present application. No new matter has been added to the present application. Claims 1-20 have been rejected in the Office Action. Claims 1, 9, 10, 13, 14, and 17-19 have been amended, no new claims have been added, and claims 2, 3, 7, 15, 16, and 20 have been canceled in this Amendment. Accordingly, claims 1, 4-6, 8-14, 17-19 are pending herein. Claims 1, 4-6, 8-14, 17-19 are believed to be in condition for allowance and such favorable action is respectfully requested.

Amendments to the Claims

Claims 1, 9, 10, 13, 14, and 17-19 have been amended herein. Care has been exercised to avoid the introduction of new matter.

Support for the amendments to claim 1 may be found in the Specification, for example, at p. 55, lines 5-12; p. 57, lines 6-14; p. 59, line 17 through p. 61, line 23; and FIGS. 21a and 21b. Support for the amendments to claim 9 may be found in the Specification, for example, at p. 12, lines 10-17; p. 55, lines 5-12; p. 57, lines 6-14; p. 59, line 17 through p. 61, line 23; and FIGS. 21a and 21b. Support for the amendments to claim 10 may be found in the Specification, for example, at p. 12, lines 10-17. Support for the amendments to claim 13 may be found in the Specification, for example, at p. 19, lines 5-15. Support for the amendments to claim 14 may be found in the Specification, for example, at p. 19, lines 5-15; p. 55, lines 5-12; p. 57, lines 6-14; p. 59, line 17 through p. 61, line 23; and FIGS. 21a and 21b. Support for the amendments to claims 17-19 may be found in the Specification, for example, at p. 19, lines 5-15.

Rejections based on 35 U.S.C. § 101

The Office Action rejected claims 1-20 under 35 U.S.C. § 101, indicating that the claims are directed towards non-statutory subject matter. Claims 2, 3, 7, 15, 16, and 20 have been canceled, and, as such, the rejection of these claims is rendered moot.

First, page 2 of the Office Action alleges that the claims 1-20 “fail to result in a physical transformation of a practical application established as a useful, concrete, tangible result.” Applicants respectfully traverse this rejection and assert that the claimed invention is directed to statutory subject matter.

According to MPEP § 2106, “[t]he claimed invention as a whole must accomplish a practical application. That is, it must produce a ‘useful, concrete and tangible result.’ *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of ‘real world’ value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (*Brenner v. Manson*, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); *In re Ziegler*, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.”

The Office Action states that the “result” of the present claims is “determining,” “consulting” and/or “providing.” *See* Office Action, Page 2. However, Applicants submit that the “result” of the claims, as amended herein, is configuring a product by determining alternatives for components when there are incompatibilities to produce a configured product having compatible components.

Applicants respectfully submit that the claims, as amended, are directed to a practical application in the technological arts – configuring a product – that produces a useful concrete, and tangible result. The "result" of configuring a product in accordance with embodiments of the claimed invention is a product configured with compatible components. For example, page 57, lines 3-5 of the Specification, indicates that an exemplary product that may be configured using embodiments of the present invention is a bicycle. Further examples of configuring a bicycle using embodiments of the present invention is discussed in conjunction with the description of FIGS. 21a, 21b, and 22. *See* Specification, p. 57, line 6 through p. 62, line 13. As indicated in the Specification, by employing embodiments of the present invention, a user may configure a bicycle in a manner that prevents incompatibilities among components of the bicycle.

Accordingly, by employing methods of the present invention, users may configure products such that the components of the product configuration are compatible. The claimed invention may be employed to configure a variety of different products such that the products include compatible components. For example, the claimed invention may be used for "configuring products sold via online purchasing venues, e.g., e-Stores." *See id.*, p. 55, lines 15-16. Additionally, the claimed invention has "applicability outside of the exemplary online purchasing environment. For instance, the system and method may be utilized for intangible relationships such as in an online scheduling administration program for indicating incompatible classes and/or times and suggesting alternatives thereto." *See id.*, p. 55, lines 19-21.

The Specification includes a variety of other discussions of practical applications of the present invention that have useful, concrete, and tangible results, including the following:

“[T]his invention relates to a system and method for configuring images on the Internet, such as products for sale on commercial web sites.” *Id.*, p 1, lines 6-8

“The online purchasing application of the present invention further provides the ability to launch fully functional, highly flexible electronic stores (e-Stores) expeditiously. The image configuration application of the present invention provides the ability for an end-user to customize the configuration of product images that are available within an e-Store, by selecting and matching product component pieces. An additional feature of the customized image configuration application, is the incompatibility module which provides of the automatic detection and correction of incompatible product component selections by an end-user.” *Id.*, p. 11, line 18 through p. 12, line 2

“[T]he present invention is directed to a system and method for notifying a customer desiring to configure a product for purchase when a particular part or product selected for the configuration causes a conflict with another part of product in the configuration. Further, the incompatibility module of the present invention, provides, to the customer, an alternative configuration which will make the configured product valid again.” *Id.*, p. 55, lines 5-12.

“[T]he present invention provides an interactive tool which may be utilized to configure and display customizable products.” *Id.*, p 56, lines 1-2

“The user can view an image of the product to be configured. When a part is added or replaced, an updated image of the new customized product is displayed. In this way, a customer/user can create and view a customized product by replacing existing parts or by adding new parts to the product configuration.” *Id.*, p. 56, lines 5-6.

“In summary, the above described incompatibility module of the present invention provides a web site customer configuring a product the flexibility of changing product

parts and thereafter having the product configuration automatically adapt to the customer's changes. The replacement of incompatible parts with compatible parts automatically enhances the customer's buying experience, and results in efficient, customizable configuration and purchasing of products. More specifically, unlike prior art systems, a user is not left to his or her own devices to determine and configure a product by trial and error simply because the user wishes to make adjustments to the existing product configuration." *Id.*, p. 62, lines 1-8.

Furthermore, according to MPEP 2106, "[t]he applicant is in the best position to explain why an invention is believed useful. Office personnel should therefore focus their efforts on pointing out statements made in the specification that identify all practical applications for the invention. Office personnel should rely on such statements throughout the examination when assessing the invention for compliance with all statutory criteria. An applicant may assert more than one practical application, but only one is necessary to satisfy the utility requirement. Office personnel should review the entire disclosure to determine the features necessary to accomplish at least one asserted practical application." Because claims 1, 4-6, 8-14, and 17-19 are directed to at least one practical application within the technological arts as indicated hereinabove, Applicants respectfully submit that the claims are directed to statutory subject matter that produce a useful, concrete, and tangible result. As such, Applicants respectfully request withdrawal of the rejections of the claims under 35 U.S.C. § 101.

Page 2 of the Office Action also alleges that claim 9 appears to be software per se. Applicants have amended claim 9 such that it recites a computer system comprising a computer storage medium having a plurality of computer software components embodied thereon. Applicants respectfully submit that claim 9, as amended, is not directed to software per se. Although claim 9 includes software components, the claim is directed to a machine having the

software components embodied on a computer-readable medium. As MPEP § 2106 indicates, “[c]omputer programs are often recited as part of a claim. Office personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim.” Accordingly, Applicants respectfully submit that claim 9, as amended, is directed to statutory subject matter, and, as such, request withdrawal of the rejection under 35 U.S.C. § 101.

Page 2 of the Office Action further notes that claims 13-20 recite a computer-readable medium and that the definition of “computer-readable” medium in the Specification includes “carrier waves” and “signals.” The Office Action further alleges that “carrier waves” and “signals” are not statutory embodiments. The Office Action provides no support for this allegation, but it is presumed that the basis for this rejection is the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, which contends that a signal is nonstatutory subject matter. However, as page 2 of the interim guidelines succinctly points out, “[t]hese Guidelines do not constitute substantive rulemaking and hence do not have the force and effect of law.” Rejections are only proper when based on substantive law, not on guidelines issued by the United States Patent and Trademark Office. Accordingly, Applicants respectfully submit that the Office Action’s rejection of claims 13-20 under 35 U.S.C. § 101 is improper. Nonetheless, in order to avoid further expense and time delay, Applicants elect to expedite the prosecution of the present application by amending claims 13, 14, and 17-19 such that the claims are directed to a computer storage medium, which is defined in the Specification as to not include “carrier waves” and “signals.” Applicants respectfully submit that the

amendment overcomes the rejection of claims 13, 14, 17-19 under 35 U.S.C. § 101 and request withdrawal of the rejection.

Rejections based on 35 U.S.C. § 112

Claim 14 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, page 3 of the Office Action notes that the claim recites “[a] computer readable medium containing a method” Claim 14 has been amended to recite “[a] computer storage medium containing computer-useable instructions embodied thereon, the computer-useable instructions for causing a computing device to perform a method” Applicants respectfully submit that the amendment to claim 14 clarifies the claim such that it complies with the enablement requirement. The amendment overcomes the rejection of claim 14 under 35 U.S.C. § 112, first paragraph, and Applicants request withdrawal of the rejection.

Claim 14 was also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully submit that the above-noted amendment overcomes the rejection of claim 14 under 35 U.S.C. § 112, second paragraph and request withdrawal of the rejection.

Rejections based on 35 U.S.C. § 102

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggall Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . .

claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Claims 1, 2, 4, 5, 7-10, 12-15, 17, 18, and 20 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0165701 A1 to Lichtenberg et al. (the “Lichtenberg reference”). As the Lichtenberg reference fails to describe either expressly or inherently, each and every element as set forth in the rejected claims, as amended, Applicants respectfully traverse this rejection, as hereinafter set forth.

Claims 2, 7, 15, and 20 have been canceled, and, as such, the rejection of the claims has been rendered moot.

Initially, independent claim 1, as amended, is drawn to a method in a computing environment for configuring a product by determining compatibility of parts in a selected product configuration. The method comprises: receiving a selection of a new part; determining whether said new part is compatible with one or more existing parts of the product configuration; and if said new part is not compatible with one or more existing parts, determining a replacement part for one of an existing incompatible part and said new part, wherein a replacement part for said new part is determined if said existing incompatible part is a base part, and wherein a replacement part for said new part is determined if said existing incompatible part is an accessory part and an alternative accessory part for said existing incompatible part is not available, and wherein a replacement part for said existing incompatible part is determined if said existing incompatible part is an accessory part and an alternative accessory part is available for said existing incompatible part.

By way of contrast, the Lichtenberg reference discloses a method of configuring a product based on interdependencies of parts using a computer program to assist a user in making

choices that lead to a consistent product. *See Lichtenberg reference* at Abstract. Rules relating to compatibilities between alternatives for different components may be represented in a Directed Acyclic Graph (DAG), which is used to determine whether selected alternatives are compatible with other components. *Id.* at paragraphs [0027] – [0034]. In some cases, if a user selects an alternative for a component that is incompatible with other components that have already been chosen, the system may provide information relating to the other components which are incompatible with the present selection. *Id.* at paragraphs [0102] – [0104]. The user may choose to keep the present selection and un-choose the incompatible components. *Id.* at paragraphs [105]. The Lichtenberg reference refers to this type of choice as a “forceable” or “forced” selection, meaning the selection may be made if the user is willing to undo some previous choices. *Id.* at paragraph [193]. The system will sacrifice/remove earlier selections that are incompatible with the current selection. *Id.* at paragraphs [0383], [0406] – [0412], and [0459].

The Lichtenberg reference fails to describe, either expressly or inherently, every element of independent claim 1, as amended herein. In particular, the Lichtenberg reference fails to describe determining a replacement part for one of an existing incompatible part and said new part, wherein a replacement part for said new part is determined if said existing incompatible part is a base part, and wherein a replacement part for said new part is determined if said existing incompatible part is an accessory part and an alternative accessory part for said existing incompatible part is not available, and wherein a replacement part for said existing incompatible part is determined if said existing incompatible part is an accessory part and an alternative accessory part is available for said existing incompatible part. This element includes a preference for particular parts when incompatibilities between parts are determined. The

preference is that an alternative part is determined for the selected part if the existing part is a base part or if the existing part is an accessory part that does not have any alternatives. However, an alternative is determined for the existing part if it is an accessory part that has alternatives.

This preference is discussed in the Specification, which states “the preference in deciding which part to replace, is to replace existing non-base component parts with suitable replacement parts that are compatible with the newly selected part. More specifically, the assumption is that the customer wishes the newly selected part to be in the configuration, and that, therefore, non-essential component parts to the configuration that are incompatible can be changed in order to accomplish the customer’s desire of having the new part in the configuration. If however, the newly selected part is incompatible with the base component, then the system will provide an alternative newly selected part to the customer. Still further, if the newly selected part is incompatible with existing parts, and there are no replacements for the existing parts then, again, an alternative to the newly selected part will be suggested.” Specification, p. 61, lines 14-23.

The Lichtenberg reference fails to describe any distinction between a base part and an accessory part. Additionally, the Lichtenberg reference fails to describe the particular preferences for parts within a product configuration as claimed by independent claim 1, as amended herein. As such, it is respectfully submitted that the Lichtenberg reference fails to describe, either expressly or inherently, each and every element of independent claim 1. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(e). Claim 1 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 4, 5, and 8 depend directly or indirectly from independent claim 1, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejections to these claims as well.

Referring now to independent claim 9, as amended, a computer system capable of configuring a product by determining the compatibility of parts in a product configuration is recited. The computer system comprises a computer storage medium having a plurality of computer software components embodied thereon. The computer software components include a compatibility component which determines whether a selected part is compatible with existing parts of the configuration; a replacement component which determines a replacement part for one of an existing incompatible part and said selected part if a determination of incompatibility is made, wherein a replacement part for said selected part is determined if said existing incompatible part is a base part, and wherein a replacement part for said selected part is determined if said existing incompatible part is an accessory part and an alternative accessory part for said existing incompatible part is not available, and wherein a replacement part for said existing incompatible part is determined if said existing incompatible part is an accessory part and an alternative accessory part is available for said existing incompatible part; and a product configuration component which configures the product using the replacement part determined by the replacement component.

It is respectfully submitted that the Lichtenberg reference fails to describe, either expressly or inherently, each and every element as set forth in independent claim 9. Particularly, the Lichtenberg reference fails to describe, either expressly or inherently, a replacement component which determines a replacement part for one of an existing incompatible part and

said selected part if a determination of incompatibility is made, wherein a replacement part for said selected part is determined if said existing incompatible part is a base part, and wherein a replacement part for said selected part is determined if said existing incompatible part is an accessory part and an alternative accessory part for said existing incompatible part is not available, and wherein a replacement part for said existing incompatible part is determined if said existing incompatible part is an accessory part and an alternative accessory part is available for said existing incompatible part. This element is similar to the element discussed hereinabove for independent claim 1. Accordingly, it is respectfully submitted that the Lichtenberg reference fails to describe, either expressly or inherently, this element of claim 9 for at least the reasons cited above for claim 1.

As such, it is respectfully submitted that the Lichtenberg reference fails to describe, either expressly or inherently, each and every element of independent claim 9. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 9 under 35 U.S.C. § 102(e). Claim 9 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 10 and 12 depend directly or indirectly from independent claim 9, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejections to these claims as well.

Referring now to independent claim 13, as amended, a computer storage medium containing a data structure for storing part incompatibility information is recited. The data structure comprises a plurality of records in a table, each record including: at least two product identification values, said values representing that said products represented by said

identification values are incompatible, and an indication as to product identification values which are suitable replacements for at least one of said product identification values entered in said record.

Independent claim 13 recites a very specific data structure that includes information for determining part incompatibility and alternative parts that are compatible. While the Lichtenberg reference provides a system for determining part compatibility, the system uses a completely different approach to compatibility determination. In particular, the reference stores compatibility rules in a DAG. The Lichtenberg reference simply does not describe the very specific data structure recited in independent claim 13 as further described below.

It is respectfully submitted that the Lichtenberg reference fails to describe, either expressly or inherently, each and every element as set forth in independent claim 13. Particularly, the Lichtenberg reference fails to describe, either expressly or inherently, a data structure comprising a plurality of records in a table, each recording including: (1) at least two product identification values, said values representing that said products represented by said identification values are incompatible; and (2) an indication as to product identification values which are suitable replacements for at least one of said product identification values entered in said record. As indicated in the specification of the present invention, each part is given a product identification number. *See Specification*, page 58, line 2. A part incompatibility table 2206, shown in FIG. 22, includes records having: (1) entries for two product identification numbers, indicating that the parts corresponding with the two product identification numbers are incompatible; and (2) a replacement entry, indicating replacement parts for at least one of the two incompatible parts. In contrast, the Lichtenberg reference fails to describe, either expressly or inherently, anything similar to a table having such records, wherein each record includes an

indication of incompatible parts and replacement parts for the incompatible parts. The Lichtenberg reference does discuss product tables. However, a product table, as used in the Lichtenberg reference, merely provides attributes for the various alternatives for a single component. See *Lichtenberg*, paragraphs [0242]-[0247]. While such product tables may provide information assisting in the determination of incompatibility, they do not anticipate the present claim as the tables do not include records, wherein each record includes (1) values indicating two or more incompatible parts and (2) values indicating replacement parts for the incompatible parts. The Office Action also refers to the Lichtenberg reference's discussion of the use of a DAG to represent rules regarding compatibility. However, it is respectfully submitted that a DAG is vastly different from a table having records, wherein each record includes (1) values indicating two or more incompatible parts and (2) values indicating replacement parts for the incompatible parts, such as that recited in independent claim 13. It should be noted that for a reference to anticipate a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." MPEP § 2131. Although the Lichtenberg reference discusses a DAG that may be used to represent rules regarding compatibility among components, in no way does this discussion show the identical invention in as complete detail as contained in independent claim 13.

As such, it is respectfully submitted that the Lichtenberg reference fails to describe, either expressly or inherently, each and every element of independent claim 13. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 13 under 35 U.S.C. § 102(e). Claim 13 is believed to be in condition for allowance and such favorable action is respectfully requested.

Referring now to independent claim 14, as amended, a computer storage medium containing computer-useable instructions embodied thereon, the computer-useable instructions for causing a computing device to perform a method for configuring a product by determining compatibility of parts in a selected product configuration is recited. The method comprises configuring a product by: receiving a selection of a new part; determining whether said new part is compatible with one or more existing parts of the product configuration; and if said new part is not compatible with one or more existing parts, determining a replacement part for one of an existing incompatible part and said new part, wherein a replacement part for said new part is determined if said existing incompatible part is a base part, and wherein a replacement part for said new part is determined if said existing incompatible part is an accessory part and an alternative accessory part for said existing incompatible part is not available, and wherein a replacement part for said existing incompatible part is determined if said existing incompatible part is an accessory part and an alternative accessory part is available for said existing incompatible part.

It is respectfully submitted that the Lichtenberg reference fails to describe, either expressly or inherently, each and every element as set forth in independent claim 14. Particularly, the Lichtenberg reference fails to describe, either expressly or inherently, a computer storage medium containing computer-useable instruction to perform a method that comprises determining a replacement part for one of an existing incompatible part and said new part, wherein a replacement part for said new part is determined if said existing incompatible part is a base part, and wherein a replacement part for said new part is determined if said existing incompatible part is an accessory part and an alternative accessory part for said existing incompatible part is not available, and wherein a replacement part for said existing incompatible

part is determined if said existing incompatible part is an accessory part and an alternative accessory part is available for said existing incompatible part. This element is similar to the element discussed hereinabove for independent claim 1. Accordingly, it is respectfully submitted that the Lichtenberg reference fails to describe, either expressly or inherently, this element of claim 14 for at least the reasons cited above for claim 1.

As such, it is respectfully submitted that the Lichtenberg reference fails to describe, either expressly or inherently, each and every element of independent claim 14. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 14 under 35 U.S.C. § 102(e). Claim 14 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 17 and 18 depend directly or indirectly from independent claim 14, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejections to these claims as well.

Rejections based on 35 U.S.C. § 103

A. Applicable Authority

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP § 2143 through § 2143.04. In order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or

suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)". See MPEP § 2143. Further, in establishing a *prima face* case of obviousness, the initial burden is placed on the Examiner. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 972, (Bd. Pat App. & Inter. 1985)." *Id.* See also MPEP § 706.02(j) and § 2142.

B. Rejections based on Lichtenberg

Claims 6, 11, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Lichtenberg reference. Dependent claims 6, 11, and 19 depend directly from independent claims 1, 9, and 14, respectively. Accordingly, Applicants respectfully submit that dependent claims 6, 11, and 19 are patentable for at least the reasons stated above with respect to independent claims 1, 9, and 14. Moreover, there is no suggestion or motivation from the prior art to modify the Lichtenberg reference to achieve the invention of dependent claims 6, 11, and 19. Accordingly, Applicants submit that dependent claims 6, 11, and 19 are patentable over the Lichtenberg reference and respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of dependent claims 6, 11, and 19.

C. Rejections based on Lichtenberg and Forth

Claims 3 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Lichtenberg reference in view of U.S. Patent No. 6,853,978 to Forth et al. (the "Forth

reference"). Claims 3 and 16 have been canceled herein, and, as such, the rejection of the claims is rendered moot.

CONCLUSION

For at least the reasons stated above, claims 1, 4-6, 8-14, 17-19 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1, 4-6, 8-14, 17-19. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action. It is believed that no fee is due in conjunction with the present amendment. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 21-0765.

Respectfully submitted,

/John S. Golian/

John S. Golian
Reg. No. 54,702

JSG/drb

SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550